

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: January 08, 2015

+ **BAIL APPLN. 1597/2013**

PINKI RANI

..... Petitioner

Through: Mr. Tanveer Ahmed Mir,
Advocate

versus

STATE

..... Respondent

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with ASI Urmila
Complainant- Aarti with father-
Mr. Suresh Kumar

+ **BAIL APPLN. 1598/2013**

RUPESH

..... Petitioner

Through: Mr. Tanveer Ahmed Mir,
Advocate

versus

STATE

..... Respondent

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with ASI Urmila
Complainant- Aarti with father-
Mr. Suresh Kumar

+ **BAIL APPLN. 1599/2013**

KANWAR PAL & ORS.

..... Petitioners

Through: Mr. Tanveer Ahmed Mir,
Advocate

versus

STATE

..... Respondent

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with ASI Urmila
Mr. Subhash Chand, Advocate
with complainant- Aarti and her
father-Mr. Suresh Kumar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

%

Petitioners are the husband, parents-in-law and sister-in-law of complainant/ first-informant of FIR No. 144/2013, under Sections 498A/406/34 of the IPC, registered at police station Chankya Puri, New Delhi, who seek *pre-arrest bail* in these applications.

Since the above captioned three applications arise out of one FIR and the grounds on which *pre-arrest bail* is sought are common, therefore, with the consent of learned counsel for the parties, these applications were taken up for hearing together and are being disposed of by this common judgment.

Upon hearing and on perusal of the FIR of this case, this Court finds that apart from the allegations of harassment and cruelty, there are allegations of entrustment of jewellery to the sister-in-law- *Pinki* of the complainant and there is an admitted list of dowry articles.

Learned Additional Public Prosecutor for respondent-State submits

that jewellery articles were worth about ₹1,25,000/- and most of the dowry articles have been returned and petitioners have joined investigation of this case.

Although efforts to get this matrimonial dispute settled through mediation have failed, but now both sides inform that they are willing to settle subject matter of this FIR case as well as matter of divorce and the comprehensive settlement arrived at between the parties is for a sum of ₹6,00,000/- in all.

Learned counsel for petitioners on instructions submits that a joint petition for divorce by mutual consent shall be filed before the matrimonial court within two weeks and out of the settled amount of ₹6,00,000/-, complainant/first-informant of this FIR shall be paid ₹2,00,000/- at the time of recording of statement of parties under Section 13 (b) (i) of *The Hindu Marriage Act, 1951* and another sum of ₹2,00,000/- shall be paid at the time of recording of statement of parties under Section 13 (b) (ii) of *The Hindu Marriage Act, 1951* and the remaining sum of ₹2,00,000/- shall be paid to the complainant at the time of quashing of FIR in question. Learned counsel for petitioners fairly submits that one piece of gold jewellery and one piece of silver jewellery of complainant, which are with the petitioners, would be returned to the complainant at the time of recording of statement of parties at the first motion before the matrimonial court.

Learned Additional Public Prosecutor for respondent-State submits that complainant/first-informant is present in the Court with her father and she is represented through counsel. Mr. Subhash Chand, Advocate,

appears for complainant/ first-informant and he has placed on record his *Vakalatnama/ Power of Attorney* and on instructions learned counsel submits that the aforesaid settlement is acceptable to the complainant. Learned counsel for complainant has placed on record complainant's affidavit of 8th January, 2015 consenting to the aforesaid proposal.

Learned Additional Public Prosecutor for respondent-State further submits that if this settlement is acted upon by both the sides, then a final report shall be filed before the court concerned.

Without commenting on the merits of the case, interim order of 2nd September, 2013 is made absolute and it is directed that in the event of arrest, petitioners – *Pinki Rani, w/o Sh. Amit Kumar, Rupesh, S/o Sh. Kanwar Pal, Kanwar Pal, s/o Late Shri Kalu Ram* and *Smt. Saroj Devi, w/o Shri Kanwar Pal*, be admitted to bail on their furnishing bail bonds in the sum of ₹10,000/- each, with one local surety each in the like amount, to the satisfaction of the Investigating Officer.

With aforesaid observations, the above captioned three applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 08, 2015

r